



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,001	04/07/2004	Peter Palese	26-003710US	9293
22798	7590	05/23/2006	EXAMINER	
QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C. P O BOX 458 ALAMEDA, CA 94501			GARVEY, TARA L	
			ART UNIT	PAPER NUMBER
			1636	

DATE MAILED: 05/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER

ART UNIT PAPER

20060511

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth below and on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Specifically, the CRF is defective. Please see the attached printout which describes the errors found in the CRF. A new CRF and letter stating that the contents of the sequence listing and the CRF are the same and contain no new matter is required.

Applicant is given ONE MONTH, or THIRTY DAYS, whichever is longer, from the mailing date of this letter within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). In no case may an applicant extend the period for reply beyond the SIX MONTH statutory period. Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tara L. Garvey, PhD whose telephone number is (571)-272-2917. The examiner can normally be reached on M-F (6:30-3:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Remy Yucel, PhD can be reached on (571)-272-0781. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CELINE QIAN, PH.D.  
PRIMARY EXAMINER

<b>Notice to Comply</b>	Application No. 10/821001	Applicant(s) <b>Palese et al</b>	
	Examiner Tara L. Garvey	Art Unit 1636	
<b>NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES</b>			
<p>Applicant must file the items indicated below within the time period set in the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).</p> <p>The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).</li> <li><input type="checkbox"/> 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).</li> <li><input type="checkbox"/> 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).</li> <li><input checked="" type="checkbox"/> 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."</li> <li><input type="checkbox"/> 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).</li> <li><input type="checkbox"/> 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).</li> <li><input type="checkbox"/> 7. Other:</li> </ul> <p><b>Applicant Must Provide:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".</li> <li><input type="checkbox"/> An initial or substitute paper copy of the "Sequence Listing", <b>as well as an amendment specifically directing its entry into the specification.</b></li> <li><input checked="" type="checkbox"/> A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).</li> </ul> <p>For questions regarding compliance to these requirements, please contact:</p> <p>For Rules Interpretation, call (571) 272-2510      For CRF Submission Help, call (571) 272-2501/2583.      PatentIn Software Program Support          Technical Assistance.....703-287-0200          To Purchase PatentIn Software.....703-306-2600</p> <p><b>PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY</b></p>			

## **STIC Biotechnology Systems Branch**

### **RAW SEQUENCE LISTING ERROR REPORT**

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 10/821, 001 A  
Source: JFW16  
Date Processed by STIC: 03/03/2006

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION AND PATENTIN SOFTWARE QUESTIONS, PLEASE CONTACT MARK SPENCER, TELEPHONE: 571-272-2510; FAX: 571-273-0221

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE **CHECKER VERSION 4.4.0 PROGRAM**, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:

<http://www.uspto.gov/web/offices/pac/checker/chkrnote.htm>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>> , EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
3. Hand Carry, Federal Express, United Parcel Service, or other delivery service (EFFECTIVE 01/14/05):  
U.S. Patent and Trademark Office, Mail Stop Sequence, Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314

Revised 01/10/06



IFW16

## RAW SEQUENCE LISTING

PATENT APPLICATION: US/10/821,001A

DATE: 03/03/2006

TIME: 15:07:14

Input Set : A:\NS104D1C1\_seqlisting\_revi.txt  
 Output Set: N:\CRF4\03032006\J821001A.raw

```

4 <110> APPLICANT: Palese, Peter
5 Garcia-Sastre, Adolfo
7 <120> TITLE OF INVENTION: RECOMBINANT NEGATIVE STRAND RNA VIRUS
8 EXPRESSION SYSTEMS AND VACCINES
11 <130> FILE REFERENCE: 26-003700US
C--> 13 <140> CURRENT APPLICATION NUMBER: US/10/821,001A
C--> 14 <141> CURRENT FILING DATE: 2004-04-07
16 <150> PRIOR APPLICATION NUMBER: 09/106,377
17 <151> PRIOR FILING DATE: 1998-06-29
19 <150> PRIOR APPLICATION NUMBER: 08/252,508
20 <151> PRIOR FILING DATE: 1994-06-01
22 <160> NUMBER OF SEQ ID NOS: 71
24 <170> SOFTWARE: FastSEQ for Windows Version 4.0
  
```

Does Not Comply  
 Corrected Diskette Needed  
 (pg - 1, 2)

## ERRORED SEQUENCES

```

242 <210> SEQ ID NO: 20
243 <211> LENGTH: 96
244 <212> TYPE: DNA
245 <213> ORGANISM: Artificial Sequence
247 <220> FEATURE:
248 <223> OTHER INFORMATION: Primer
250 <400> SEQUENCE: 20
251 cttagacgcc tgcagcaaaa gcagggtgac aaagacataa tggagaaaa aatcactggg 60
252 tataccaccc ttgatatatc ccaatcgcat cgtaaa 96
  
```

*(S) 722 <210> SEQ ID NO: 64*

*W--> 723 → Pls Insert <211> Length: 40*

```

724 <212> TYPE: DNA
725 <213> ORGANISM: Artificial sequence
  
```

*W--> 727 <220> FEATURE:*

```

728 <223> OTHER INFORMATION: Oligonucleotide
  
```

*E--> 730 . . .*

```

730 <400> SEQUENCE: 64
  
```

*(S) 731 tgggtataacc accgttgata tatcccaatc gcatcgtaaa 40*

```

733 <210> SEQ ID NO: 65
734 <211> LENGTH: 42 → found 52
  
```

```

735 <212> TYPE: DNA
736 <213> ORGANISM: Artificial sequence
738 <220> FEATURE:
739 <223> OTHER INFORMATION: Oligonucleotide
741 <400> SEQUENCE: 65
  
```

*E--> 742 gtgattttt ttcattat gtctttgtca ccctgctttt gctgcaggc gt 42 52*

<210> 67  
<211> 53  
<212> RNA  
<213> Artificial sequence

<220>  
<213> Transcribed M-wt template

<400> 67  
agcaaaagca gggugaaguu uaaaugauau gaaaaaacac ccuuguuuucu acu

53

Invalid Numeric Identifier,  
Invalid Response for Artificial  
Sequence.

&lt;2237&gt;

What is the  
Source of  
Genetic  
Material?

Please see  
Page - 3  
for Error  
Explanation

RAW SEQUENCE LISTING ERROR SUMMARY                    DATE: 03/03/2006  
PATENT APPLICATION: US/10/821,001A                TIME: 15:07:15

Input Set : A:\NS104D1C1\_seqlisting\_rev1.txt  
Output Set: N:\CRF4\03032006\J821001A.raw

Error Explanation

Use of <220> Feature(NEW RULES):

Sequence(s) are missing the <220> Feature and associated headings.

Use of <220> to <223> is MANDATORY if <213> ORGANISM is "Artificial Sequence" or "Unknown". Please explain source of genetic material in <220> to <223> section (See "Federal Register," 6/01/98, Vol. 63, No. 104, pp.29631-32) (Sec.1.823 of new Rules)

Seq#:67

VERIFICATION SUMMARY DATE: 03/03/2006  
PATENT APPLICATION: US/10/821,001A TIME: 15:07:15

Input Set : A:\NS104D1C1\_seqlisting\_revl.txt  
Output Set: N:\CRF4\03032006\J821001A.raw

L:13 M:270 C: Current Application Number differs, Replaced Current Application Number  
L:14 M:271 C: Current Filing Date differs, Replaced Current Filing Date /  
L:252 M:254 E: No. of Bases conflict, LENGTH:Input:0 Counted:96 SEQ:20 /  
L:723 M:283 W: Missing Blank Line separator, <220> field identifier  
L:723 M:256 W: Invalid Numeric Header Field, <220> has non-blank data  
L:730 M:282 E: Numeric Field Identifier Missing, <211> is required. /  
L:731 M:252 E: No. of Seq. differs, <211> LENGTH:Input:0 Found:40 SEQ:64 /  
L:742 M:254 E: No. of Bases conflict, LENGTH:Input:42 Counted:52 SEQ:65 /  
L:742 M:252 E: No. of Seq. differs, <211> LENGTH:Input:42 Found:52 SEQ:65 /  
L:761 M:280 W: Numeric Identifier already exists, Organism not replaced.  
L:763 M:258 W: Mandatory Feature missing, <223> Tag not found for SEQ#:67, <213>  
ORGANISM:Artificial sequence  
L:763 M:258 W: Mandatory Feature missing, <223> Blank for SEQ#:67,Line#:763